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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,028	03/01/2006	Reiko Moriya	127049	1105

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EXAMINER

KIDWELL, MICHELE M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/570,028		MORIYA ET AL.	
	Examiner		Art Unit	
	Michele Kidwell		3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 2 recites a urine introduction part forming material. This term is not supported by the originally filed specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first leak preventer" in lines 2 – 3 and 6 – 7, and "second leak preventer" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the second leak preventer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the absorber" in line 2 and "the first leak preventer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the absorber" in line 2 and "the first leak preventer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the first leak preventer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the first leak preventer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the absorber" in line 1 and "the first leak preventer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the second leak preventer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Interpretation

For examination purposes, the examiner presumes that the first sheet leak preventer and the first leak preventer are one and the same. Likewise, the examiner presumes that the second sheet leak preventer and the second like preventer are the same element .

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Guidotti et al. (US 6,835,192).

With reference to claim 1, Guidotti et al. (hereinafter "Guidotti") discloses an absorbent article including a first sheet leak preventer (9), a second sheet leak preventer (6) present above and in a rear part of the first leak preventer, and an absorbent (3) containing a super absorbent polymer (col. 6, lines 13 – 17) capable of absorbing a body fluid, and provided above the first leak preventer extending from a front part of the first leak preventer beneath the second leak preventer in at least one layer as set forth in figure 5 .

With reference to claim 2, Guidotti discloses an absorbent article in which a urine introduction part forming material (1) is bonded to a part of a lower surface of a front end of the second leak preventer as set forth in figure 5.

As to claim 3, Guidotti discloses an absorbent article further including a urine/feces stopping member (10) in a front end or in a vicinity of the front end of the second leak preventer as set forth in figures 3 – 5.

With reference to claim 4, Guidotti discloses an absorbent article in which the absorber is separated and provided on right and left sides in a front part of the first leak preventer as set forth in figure 3.

With respect to claim 5, Guidotti discloses an absorbent article in which the absorber is separated and provided on right and left sides in a rear part of the first leak preventer as set forth in figure 3.

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As to claims 6 and 7, Guidotti discloses an absorbent article in which a part or entire periphery of the first leak preventer rises upward and/or in which the right and left side walls of the first leak preventer are folded inward as set forth in figures 1 – 2.

As to claim 8, Guidotti discloses an absorbent article which right and left side walls of the first leak preventer are formed into folded shape as set forth in figures 1 – 2.

Regarding claim 9, Guidotti discloses an absorbent article in which the absorber is provided in each of at least two of two or more stepped-spaces defined by the right and left side walls of the first leak preventer formed into folded shape as set forth in figures 1 – 3.

With respect to claim 10, Guidotti discloses an absorbent article in which a part or entire periphery of the second leak preventer rises upward as set forth in figures 1 – 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michele Kidwell
Primary Examiner
Art Unit 3761